

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

ERBO PROPERTIES LLC, et. al.¹,

Debtors.

Chapter 11
Case No. 23-10210 (LGB)
Jointly Administered

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**ORDER AUTHORIZING RETENTION OF
KIRBYAISNER & CURLEY LLP AS SUBSTITUTE
BANKRUPTCY COUNSEL TO DEBTORS ERBO PROPERTIES LLC
AND KOVA 521, LLC, EFFECTIVE AUGUST 3, 2023**

Upon the application dated August 3, 2023 (the “Application”) of Erbo Properties LLC and Kova 521, LLC, (collectively the “Debtors”) debtors and debtors-in-possession in the above captioned jointly administered Chapter 11 proceedings to retain Kirby Aisner & Curley LLP as substitute bankruptcy counsel to the Debtors; in place and stead of Tarter Krinsky & Drogin LLP, pursuant to § 327(a) of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”) and Rule 2014 of the Bankruptcy Procedure (“Bankruptcy Rules”); and upon the Declaration of Erica R. Aisner, Esq., dated August 3, 2023; and upon the Declaration of Eran Silverberg, dated August 3, 2023; and after due deliberation; and it appearing that sufficient notice was provided in accordance with the Federal Rules of Bankruptcy Rules and; and it appearing that the firm of Kirby Aisner & Curley LLP represents no interest adverse to the Debtors, or to their estates; and Kirby Aisner & Curley LLP is a disinterested person as that term is defined in §101(14) of the Bankruptcy Code; and that the Debtors’ employment of Kirby Aisner & Curley LLP is necessary and would be in the best interests of Debtors’ estates; it is hereby

ORDERED that the Application is granted to the extent provided herein; and it is further

ORDERED that the Debtors be and hereby are authorized to retain and employ Kirby

¹ The Debtors are ERBO Properties LLC (EIN x9179), Case No.: 23-10210; KOVA 521, LLC (EIN x9972), Case No.: 23-10211, and Gold Mezz LLC (EIN x4741).

Aisner & Curley LLP as substitute attorneys to represent them in the within proceedings pursuant to §§327, 328 and 1107 of the Bankruptcy Code, effective as of August 3, 2023; and it is further

ORDERED that to the extent the Application or any other document is inconsistent with this Order, the terms of this Order shall govern; and it is further

ORDERED that, notwithstanding any provision to the contrary in the Application or the engagement letter between the Debtors and Kirby Aisner & Curley LLP, the Court shall retain jurisdiction to hear and to determine all matters arising from or related to implementation of this Order; and it is further

ORDERED that Kirby Aisner & Curley LLP shall be compensated for fees and reimbursed for reasonable and necessary expenses and will file interim and final fee applications for allowance of its compensation and expenses in accordance with sections 330 and 331 of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Rules, the United States Trustee Fee Guidelines and any order establishing procedures for monthly compensation and reimbursement of expenses of professionals; and it is further

ORDERED that ten business days' notice must be provided by Kirby Aisner & Curley LLP to the Debtors, the United States Trustee and the Court, prior to any rate increases, and such notice must be filed with the Court; and it is further

ORDERED that, notwithstanding anything to the contrary in the engagement letter, Kirby Aisner & Curley LLP shall not withdraw as Debtors' counsel prior to the effective date of any Chapter 11 plan confirmed in these Chapter 11 cases without prior approval of the Court in accordance with Local Bankruptcy Rule 2090-1(e).

Dated: New York, New York
August ___, 2023

HONORABLE LISA G. BECKERMAN
UNITED STATES BANKRUPTCY JUDGE